

GP/1652

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|-------------------------|-----------------|------------------|--|
| <b>Notice to Comply</b> | Application No. | Applicant(s)     |  |
|                         | 09/710,262      | Rosenberg et al. |  |
|                         | Examiner        | Art Unit         |  |
|                         | Kathleen Kerr   | 1652             |  |

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 C.F.R. § 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. § 1.821-1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. § 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. § 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. § 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. § 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☒ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. § 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. § 1.821(e).
- ☐ 7. Other: All sequences in the specification must be identified by SEQ ID NOs and all SEQ ID NOs must be described in the specification (see attached form).

**Applicant Must Provide:**

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☐ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. § 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

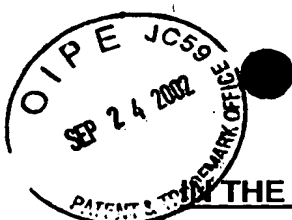
For CRF Submission Help, call (703) 308-4212

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**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY**



**THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Eugene Rosenberg

Serial No. 09/710,262

Group Art Unit: 1652

Filed: 11/10/00

Examiner: KERR, Kathleen M

For: GENE CLUSTER

Attorney Docket No: 2290.00101

BOX SEQUENCE LISTING

Assistant Commissioner for Patents

Washington, D.C. 20231

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Dear Sir:

**SUBMISSION OF CORRECTED  
SEQUENCE LISTING/STATEMENT**

1. This replies to the communication from the Examiner in charge of this application, Paper No. 13, date mailed September 10, 2002.

X  A copy of the communication is enclosed.

2. I, Amy E. Rinaldo, state the following:

3. Submitted herewith is/are:

X  A. Sequence Listing(s) for the nucleotide and/or amino acid sequence(s).

Each sequence Listing is assigned a separate identifier.

X  B. A copy of each Sequence Listing submitted for this application in computer readable form.

C. Preliminary Amendment inserting the Sequence Listing into the application.

**CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a) and 1.10**

I hereby certify that on the date shown below this correspondence is being deposited with the United States Postal Service in an envelope addressed to: Box Sequence List, Assistant Commissioner for Patents, Washington, DC 20231.

**37 CFR 1.8(a)**

xxx  sufficient postage as first class mail.

**37 CFR 1.10\***

as "Express Mail Post Office to Addressee"  
Mailing Label No.

*Connie Henry*

Connie Henry

DATED: September 17, 2002

(Transmittal Sequence Statement --Page 1 of 2)

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**STATEMENT THAT SEQUENCE LISTING  
AND COMPUTER READABLE COPY ARE THE SAME**

I hereby state that each computer readable form submitted in this application is the same as the Sequence Listing to which it is indicated to relate.

I hereby state that all papers accompanying this submission, or for which a request for transfer from Applicants' other application, introduce no new matter.

The Commissioner is authorized to charge any fee or credit any overpayment in connection with this communication to our Deposit Account No. 11-1449.

Respectfully submitted,

KOHN & ASSOCIATES, PLLC



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Dated: September 17, 2002